ADVISORY COMMISSION ON SPECIAL EDUCATION

September 26, 2002 **MEETING MINUTES** APPROVED 11/22/02

CALIFORNIA DEPARTMENT OF EDUCATION 1430 N STREET, ROOM 1101 SACRAMENTO, CA 95814

Thursday, September 26, 2002

Commission Members Present				
Patty Boyle	Don Burns			
Catherine Conrado	Patricia Flores-Charter			
Catherine E. Garbacz, Vice-Chair	Karla Geller			
Angela Hawkins, Chair	Janet Mangini			
Barbara R. Monroe	Jim Woodhead			
Linda Wyatt				
Student Member Present	Student Member Absent			
Kevin Verdi	Sean Rossall			
Legislative Members Absent				
Charles Poochigian, Senate Member	Fran Pavley, Assembly Member			
Governor's Office, Deputy of Education K-12, Liaison Absent				
Lynn Lorber				
State Board of Education Liaison Absent				

Robert Abernethy

Department of Education Staff Present Ronald S. Kadish, Director

State Special Schools Division

Dennis Kelleher, Staff Liaison

Yolanda Starr, Commission Secretary

Department of Education Staff Absent

Alice Parker, Executive Secretary Director, Special Education Division

Thursday, September 26, 2002

CALL TO ORDER

Chair Angela Hawkins called the meeting to order at 8:30 a.m., and Commissioners pledged allegiance to the flag. Roll was taken and a quorum was present.

INTRODUCTIONS/ANNOUNCEMENTS

Chair Hawkins announced there were four vacancies on the Commission. The openings consisted of one from the State Board of Education, two from the Senate and one from the Governor. In addition, Chair Hawkins stated the Annual Report had been published and would be inserted in the November 2002 and January 2003 issues of the SpecialEdge Newsletter.

Commissioner Patty Boyle announced the following changes in the agenda: –

September 26: 12:00 p.m. – Paul Hinkle would speak only, not Janet Canning

3:40 p.m. to 4:00 p.m. – Maureen Burness would speak in this slot

4:00 p.m. to 4:30 p.m. – Jan Jones-Wadsworth would speak in this slot

September 27: 10:10 a.m. to 10:30 a.m. – Jim Russell, Chair, California Association of School

Psychologists (CASP) Legislative Committee and Marilyn Harryman (CASP) would

speak instead of Suzanne Fisher.

10:45 a.m. to 11:05 a.m. – Tina Chiginsky, Legislative Representative, would speak on the "Summary of 2002 Budget Act and Legislation related to Special Education,"

instead of Commissioner Linda Wyatt.

OPERATIONS & PLANNING (O&P) MEETING REPORT

The O&P meeting was held on Wednesday evening, September 25, 2002. Points of discussion were:

- The Commission would recognize former Commissioners Julie Kennedy in October and Shirley Kaltenborn in November for their work on the Commission.
- The Commission will research possibility of holding meetings with other state commissions.

CHAIR REPORT

• Chair Hawkins related her enthusiasm of the outcome of the Commission's O&P meeting on August 6, 2002 in Los Angeles. The Commission developed a variety of topics for the upcoming year.

LIAISON/COMMISSION REPORTS

Commissioner Don Burns reported he had been at the State Capitol lobbying for AB 2525 (Jackson), a bill that would provide individuals who are blind or visually impaired with access to the same voting technology as has been available to those who are not blind or visually impaired. Commissioner Burns stated he would not attend the Commission's October meeting due to his attendance at the National Federation of the Blind Conference held on the same dates.

Commissioner Catherine Garbacz reported the two hearing aid bills did not pass at the State Legislative Office meeting.

Commissioner Linda Wyatt attended the Low Incidence Disabilities Advisory Committee (LIDAC) meeting at School for the Deaf, Fremont. There was a panel discussion on "No Child Left Behind." The next meeting will be in January, San Francisco.

Commissioner Boyle reported she participated in a conference call with the Individuals with Disabilities Education Act (IDEA) Reactor Group. In addition, Commissioner Boyle emphasized the importance of following assigned bills and writing letters of support.

Commissioner Barbara Monroe reported Commissioner Garbacz attended the Charter School meeting for her. Points of discussion included funding, setting up charter schools and teacher certification.

Commissioner Jim Woodhead reported he attended two meetings: A Personnel Services meeting and an Association of California School Administrators (ACSA) meeting. In addition, Commissioner Woodhead stated the IDEA Reactor Group suggested a summit be created to produce a one-two page document.

Commissioner Patricia Flores-Charter announced she would not attend the Commission October meeting.

Chair Hawkins reported she attended the Coalition for Adequate Funding meeting. A conference call, made to Assembly Member Dickerson, resulted in AB 1907 (formerly AB 2093) being developed. Chair Hawkins also attended the Key Performance Indicators (KPI) Stakeholders meeting. A suggestion was made to write a "thank you" letter to Assembly Member Dickerson.

ACTION ITEM: Election of Vice-Chair

Commissioner Catherine Garbacz was elected Vice-Chair of the Commission.

INFORMATION: Individualize Education Program (IEP) Task Force, Georgianne Knight, Consultant, California Department of Education, presented the Commission with a document explaining the IEP. This document may be accessed at

<u>http://www.cde.ca.gov/spbranch/sed/ieptskfrc/index.htm</u> on the Internet. Key points covered in the document included:

- Why the IEP Task Force was established in 2002
- IEP Task Force Work
- Outcomes of June 17, 2002 meeting
- Strengths of the IEP Process in California
- Challenges of the IEP Process
- Priorities of the Task Force
- Outcomes of September 17, 2002 meeting

LEGISLATIVE UPDATE/WORKSHOP: Paul Hinkle, Consultant, California Department of Education, updated the Commission on the legislative bills and distributed several legislative documents on Assembly and Senate bills as well as federal bills. In addition, Mr. Hinkle distributed copies of SB 2012 (Margett), which was chaptered on September 16, 2002. Mr. Hinkle also distributed the "Budget Act of 2002-2003, Special Education Budget Items." Under this Act, the Governor approved AB 425 on September 5, 2002.

Legislative Bill Assignments

Bill-Author	Description	Commissioner	Recommend	
State Legislation Two-Year Bills				
AB 164-Harman	Special Education: Due Process Hearings.	Formerly Brightman	Support	
AB 323-Pavley	Eligible for special education juveniles, and allows the Legislative Analyst to conduct a study and report be given to the Governor and Legislature before July 2002.	Hawkins	Support	
AB 634-Wesson	Minimum age of compulsory school attendance.	Geller	Watch	
AB 925-Aroner	Employment of persons with disabilities.	Wyatt	Support	
AB 1422- Thomson	Mental health advocacy	Mangini	Support	

Bill-Author	Description	Commissioner	Recommend	
AB 1818-	Adopt regulations to provide assistance to	Formerly	Support	
Comm.on Educ.	certain activities and special education	Brightman		
AB 1859-Papan	Special education pupil suspension expulsion	Conrado	Support	
AB 1895-Wright	Teachers who cannot be sanctioned against by	Boyle	Support	
	districts if they provide support to parents on			
	special education issues			
AB 2029-	Employee fund statements	Woodhead	None yet	
Canciamilla				
AB 1907-	Special education: Funding	Monroe	Support	
Dickerson				
AB 2326-	Braille reading standards	Wyatt	Support	
Frommer				
AB 2444-Dutra	The CDE to consider salaries for teachers,	Mangini	Support	
	specialists, and administrators of state special			
	schools competitive with those of similarly			
	qualified employed at school districts			
AB 2507-	State Special Schools pupils	Hawkins	Support	
Pacheco, Rod			~	
AB 2520-Bates	Special education funding	Hawkins	Support	
AB 2525-Jackson	Voting machines for non-visual students	Burns	Support	
AB 2600-Pavley	Assigning timeline to development of CAHSEE	Flores-Charter	Support	
AB 2741-Chan	Children's school readiness and Health	Rossall	None yet	
SB 105-Burton	Council Services for the blind, visually impaired, deaf	Garbacz	Cumant	
SD 103-Dulton	and hard of hearing	Garbacz	Support	
SB 1677-Alpert	Surrogate parents to make educational	Formerly	Watch	
SD 10//-Alpert	decisions for children if parents or guardians	Brightman	vv aten	
	are not available	Drightman		
SB 1911-Ortiz	Identifying barriers to mental health for	Geller	Watch	
SB 1711 OILLE	children covered by private health insurance.	Gener	vv aton	
SB 2012-Margett	ACSE Sponsored bill: Parent information	Monroe	Support	
22 2012 114118000	rights	1,101110	Support	
SB 2029-Alarcon	Teacher certification: district interns	Woodhead	Support	
U.S. Congress Bills				
H.R. 73-Jackson-	Identifying and treating children with	Not assigned	Watch	
Lee	dyslexia.			
H.C.R. 91-Smith	Increasing autism awareness.	Boyle	Support	
H.R. 371-Rivers	Amendment of the (IDEA) on state grants	Wyatt	Watch	
H.R. 651-Graves	Amendment of the IDEA for increased	Formerly	Oppose	
	authority to discipline students.	Brightman		
H.R. 1500-Nussle	Amendment of the IDEA –uniform policies	Formerly	Oppose	
	1	Brightman		
H.R. 3912-	Establish universal pre-kindergarten programs	Boyle	Support	
Kucinich				
H.R. 3957-	Forgive loans to allow school systems to	Boyle	Support	
Graham	attract classroom teachers			
H.R. 4582	Improve access to printed instructional	Flores-Charter	Support	
	materials used by blind or other persons with			
	print disabilities			

Bill-Author	Description	Commissioner	Recommend
S. 2246	Same as H.R. 4582	Flores-Charter	Support, if
			amended

ACTION ITEM: Emergency Regulations Implementing Some Aspects of the Individuals with Disabilities Education Action (IDEA) '97, Paul Hinkle, Consultant, California Department of Education, stated it had been decided that this item would become permanent regulation. Action on this item was postponed until the October Commission meeting.

M/S/C 02-09-01

MOVE THAT THE ADVISORY COMMISSION ON SPECIAL EDUCATION TABLE THE VOTE ON THE PROPOSED TITLE 5 REGULATIONS FOR SPECIAL EDUCATION.

Wyatt/Mangini

VISIT TO LEGISLATURE: Commissioners recessed to visit the Legislature.

<u>PRESENTATION:</u> The Revised Master Plan and Special Education, Charles Ratliff, Consultant, Joint Committee to Develop a Master Plan for Education – Kindergarten Through University, Mr. Ratliff distributed a document outlining the Joint Committee's overview, objectives and vision for the Master Plan. Recommendations for the Master Plan included:

- Student achievement not to be left to "chance" or confined to "bell curve" distribution.
- Public schools, colleges and universities to work together to assess and address disabilities that might impede learning.
- Diagnostic tests to be limited to specific interventions
- Supervision of students to be by teachers whose evaluations reflected their effectiveness in working with students from diverse backgrounds and with special needs.

PUBLIC INPUT

<u>Vince Wetzel, Family Empowerment Centers, California Foundation for Independent Living Centers (CFILC)</u>, representing former Commission Chairs, Anne Kinker and Larry Komar, spoke to the Commission about the issue of medication administration in public schools. Mr. Wetzel stated there were a number of reports on student deaths due to lack of regulations governing administration of medication. In addition, Mr. Wetzel stated a subcommittee formed by the California Department of Education (CDE),

wrote regulations believing the State Board of Education would be mandated by law to accept. Mr. Wetzel expressed the following concerns:

- Changes in wording of the Regulations and delayed proceedings.
- The subcommittee requested written explanation and received no response.
- The original joint recommendations were no longer in the recommendation going to the State Board for review.
- State Board of Education would not hear the recommendation until November 2002. SB 1549 (Poochigian), signed on September 1, 2000, legitimized the medication committee, and mandated the State Board's review or acceptance by June 15, 2001.

Mr. Wetzel concluded by stating a letter had been sent to Commissioner Linda Wyatt and urged the Commission to consider having this issue on the agenda for its next meeting.

<u>REPORT: Special Education Local Plan Area (SELPA) Activities</u>, Maureen Burness, Director, Placer-Nevada SELPA, reported to the Commission on:

- Concerns of program transfer such as size and scope issue, schools and school districts, and
- IDEA Reauthorization Committee requested the Commission to prioritize focuses for SELPA.

In addition, Mrs. Burness thanked Dr. Ron Kadish for ensuring the SELPA has funding for training.

REPORT: Title 5 Regulations for Low Incidence Infant Populations – Proposed Credential Changes, Jan Jones-Wadsworth, Consultant, California Commission on Teacher Credentialing (CCTC), distributed two documents: "IHE Connections: Addressing the Shortage of Highly Qualified Special Education Teachers, Agenda, October 3-4, 2002 and "Proposed Addition to California Code of Regulations, Title 5 Section 80020.1, Pertaining to Additional Assignment Authorizations for Specific Special Education Credentials." Mrs. Jones-Wadsworth requested the Commission's support on the proposed addition of Title 5 Regulations.

In addition, Mrs. Jones-Wadsworth suggested the word "certificates" be removed from the language in SB 2029 (Alarcon).

<u>Commissioner Discussion on Master Plan and Other Plans of Action for the Coming Year</u>: Commissioners Linda Wyatt volunteered to work with Commissioner Patricia Flores-Charter on the Master Plan for Education.

As there was no further business, the meeting adjourned at 4:56 p.m.

Friday, September 27, 2002

Commission Members Present

Patty Boyle Don Burns

Catherine Conrado Patricia Flores-Charter

Catherine E. Garbacz, Vice-Chair Karla Geller Angela Hawkins, Chair Janet Mangini Barbara Monroe Jim Woodhead

Linda Wyatt

Student Members Present Student Members Absent

Kevin Verdi Sean Rossall

Legislative Members Absent

Charles Poochigian, Senate Member Fran Pavley, Assembly Member

Governor's Office, Deputy of Education K-12, Liaison Absent

Lynn Lorber

State Board of Education Liaison Absent

Robert Abernethy

Department of Education Staff-Present

Ronald S. Kadish, Director Dennis Kelleher, Staff Liaison

State Special Schools Division

Yolanda Starr, Commission Secretary

Department of Education Staff - Absent

Alice Parker, Executive Secretary Director, Special Education Division

Friday, September 27, 2002

CALL TO ORDER

Chair Angela Hawkins called the meeting to order at 8:40 a.m., and Commissioners pledged allegiance to the flag. Roll was taken and a quorum was present.

INTRODUCTIONS/ANNOUNCEMENTS

Chair Hawkins began by assigning State Board of Education meeting dates to Commissioners:

October 9-10, 2002 Barbara Monroe November 6-7, 2002 Linda Wyatt Jim Woodhead December 11-12, 2002 January 8-9, 2003 Patty Boyle February 5-6, 2003 Catherine Conrado March 12-13, 2003 Catherine Garbacz April 9-10, 2003 Karla Geller May 7-8, 2003 Don Burns June 11-12, 2003 Angela Hawkins Janet Mangini July 9-10, 2003

Chair Hawkins announced letters of appreciation would be sent to former legislative Commission appointees. In addition, she requested Commission volunteers to draft the letters and submit them to her.

STUDENT MEMBERS' REPORTS

Student Member Kevin Verdi reported he attended the Youth Leadership Forum during the summer in Sacramento. Sixty-eight youth attended the Forum. In addition, Mr. Verdi brought applications for anyone interested in applying to the Forum.

REVIEW/APPROVAL OF MAY MINUTES

Corrections Noted:

Page 6: Paragraph beginning with "Commissioner Monroe's Group," – to read "Speaker Emeritus of the Assembly, Robert Hertzburg."

Page 6: Second paragraph, sentence 5 - "Commissioner Conrado stated there was new "federal" legislation on education, and "No Child Left Behind" and "how" the new legislation instead of "where." Page 8: HR 3912 (Kucinich)-replace description with: "Establish universal pre-kindergarten programs." Page 14: Under Chapman Unified School District – should read: "regarding."

M/S/C 02-09-02

MOVE THAT THE MINUTES BE APPROVED AS CORRECTED.

Boyle/Garbacz

PRESENTATION/ACTION ITEM: Special Education Local Plan Area (SELPA) Size and Scope Standards, Sarge Kennedy, Assistant Superintendent of Student Programs and SELPA Operations, Tehama County Department of Education, presented a document to the Commission describing the Size and Scope Standards. Mr. Kennedy stated there were two parts to the SELPA recommendations: One section dealt with EC Section 56140 and would require legislative action. The next section was the size and scope standards recommendation that would go first to the Commission for approval and then to the State Board of Education. See Handout

M/S/C 02-09-03

MOVE THAT THE ADVISORY COMMISSION ON SPECIAL EDUCATION ACCEPT THE PROPOSED SPECIAL EDUCATION LOCAL PLAN AREA SIZE AND SCOPE STANDARDS FOR DETERMINING EFFICACY OF LOCAL PLANS. Mangini/Conrado

Motion passed with 1 abstention and 1 opposition.

PRESENTATION: California Pupil Services Coalition Activities, Jim Russell, Executive Director and Marilyn Harryman, School Counselor, California Association of School Psychologists, spoke about pupil services and distributed several documents on Legislative and Regulatory Priorities, a data sheet of 2001-2002 Pupil Services by County, California Association of Resource Specialists and Special Education Teachers (CARS+), Ratios of Services to Students and a listing of organizations in the Pupil Services Coalition. See handouts

Commissioners' Discussion on Coalition Building

Commissioner Jim Woodhead commented that the California Pupil Services Coalition Activities organization consider having a local collective bargaining contract in order to relieve case load and class size.

PUBLIC INPUT

Robert Powell, Advocate, California Speech-Language-Hearing Association, spoke to the Commission on Coalition Pupil Specialists, shortages, recruitment and retention and definition of teachers and specialists. Mr. Powell stated there were 5,000 speech pathologists in addition to the 4,612, listed by the California Pupil Services Coalition, who were working and studying to serve children, nonpublic schools, agencies, hospitals and regional centers. Regarding the recruitment/retention issue, Mr. Powell stated none of the general education recruitment/retention programs supported special education recruitment/retention. Mr. Powell stated those individuals who were in the paraprofessional category (speech aide category) could be qualified as speech assistants and work under indirect supervision.

Nancy Spradling, Executive Director, California School Nurses Organization, Sacramento, commented on pupil services and school nursing. Ms. Spradling stated the School Nurses Organization developed a public relations campaign to educate the public, parents, administrators, school boards and the Legislature on what school nurses did and the fact that there were not enough school nurses available.

<u>Sharon Bowles, President, California School Counselor Association, Oakland, thanked the Commission for its support.</u>

<u>PRESENTATION: State Budget Review</u>, Tina Chiginsky, Legislative Representative, California Department of Education, provided the Commission with a document entitled, "Analysis of the 2002-03 Budget Bill." This document may be accessed at

http://www.lao.ca.gov/analysis_2002/education/ed_14_Special Education_an102.htm for more detailed information. In addition, Ms. Chiginsky highlighted areas of the state budget including special education funding as well as legislation. The governor signed the 2002-03 budget act in September 5, 2002 under AB 425. AB 2781, the education omnibus trailer bill, was pending signature as well as other budget bills. The 2002-03 budget included \$2.7 billion in General Fund support (Proposition 98) for special education. The budget provided special education a total increase of \$117 million in funding for 2002-03. For more information on budget related documents, http://www.cde.ca.gov/fiscal/ and http://www.dof.ca.gov may be accessed. See handout

<u>STATE SPECIAL SCHOOLS DIVISION REPORT</u>: Ron Kadish, Director, State Special Schools **Division**, reported:

Because of the ongoing state budget deficit, a statewide hiring freeze has been in place on new hires for all state agencies, including the three State Special Schools and the three Diagnostic Centers. The recently developed Budget Letter sent by the Department of Finance indicated that there were two categories of possible exemption from this hiring freeze: 1) positions required to provide for 24-hour direct care of individuals; and, 2) positions required to ensure the health and safety of the public.

CDE has been awarded a federal grant in partnership with the Departments of Health Services and Developmental Services for \$600,000 over four years. The purpose of this grant is to: 1) Provide training to primary care physicians on newborn hearing screening; 2) Provide training to audiologists in the electrophysiological assessment of hearing screening in newborns and infants; and, 3) Develop standards for early language assessment for early intervention.

The California School for the Blind (CSB) is conducting a validation study on Braille competency with the Library of Congress. In addition, CSB is hosting its annual Low Incidence Early Intervention Symposium on October 26, 2002 for parents, rehabilitation professionals, educators and medical personnel. The title of this year's symposium is, "There is More to Change than Diapers." CSB has recently established a low vision clinic on campus with optometrists and ophthalmologists providing free screening for low vision students.

The Diagnostic Center, Fresno collaborated with San Francisco State University's visual impairment program by serving as a distance learning site for Braille literacy for students in the central valley.

<u>PRESENTATION: 2002-2003 Special Education Self-Review Process</u>, Ralph Scott, Manager and Chris Drouin, Consultant, California Department of Education, presented the Commission with a document entitled, "Purpose of CCR Special Education Self Review (SESR)," and gave an overview of its purpose. Topics covered included:

- CCR SESR Monitoring Questions
- Monitoring Past and Present
- Overview of Site and District Activities
- Bottom Line Differences
- Educational Benefit Review and Education Benefit Ouestions

See Handout.

Commissioners' Discussion

Discussion was not audible due to unclear audio tape.

Since there was no further business, the meeting adjourned at 12:05 p.m.